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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1185 OF 2005

Sriram A. Gawli ... Petitioner

Vs.

State of Maharashtra ... Respondent

None for the petitioner.

Mr. P.M. Mokashi, A.G.P. for the respondent.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 18TH NOVEMBER 2005.

P.C.:-

1. The petitioner has prayed in this petition that the respondent be directed to release the amount of 4th Pay Commission which accrued to the petitioner together with the interest at the rate of 18% per annum from the date of the same accruing to the petitioner till the date of payment.

2. This petition was on our board yesterday i.e. on 17/11/2005. Neither the petitioner nor his counsel was present in the court. Hence, we posted it to 18/11/2005.

Today also, the petitioner and his advocate are absent.

3. We have perused the affidavit of Mr. Bhimrao Krishnaji Sonavane, Assistant Commissioner of Police, filed in response to the petition. In the affidavit, it is stated that after confirmation from the office of the Accountant General, his office has, on the basis of the service book of the petitioner, worked out the basic

salary earned by the petitioner from the year 1986, dearness allowance payable on the said salary and yearly increment and, thereafter, the statement in respect of the 4th Pay Commission arrears due to the petitioner for the period from January, 1986 to October, 1988 was calculated and the same amounted to Rs.9,201/-. It is further stated that the arrears bill for the amount of Rs.9,201/- was sent to the Pay and Accounts Office on 1/7/2005. It is stated that the sanction from the Government is awaited and as soon as the sanction is granted, the arrears bill of Rs.9,201/- along with Government Order would be submitted to the Pay and Accounts Office for releasing the said amount to the petitioner.

4. Today, the learned counsel for the respondent has brought to this court a cheque in the sum of Rs.9,201/- drawn in favour of the petitioner. It is, therefore, clear that the said amount must have sanctioned by the Government. However, the learned counsel for the petitioner is not present. The learned counsel for the respondent states that in the normal course, this cheque would be dispatched to the petitioner.

5. The petition is dismissed for default.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)